

Message Text

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C O N F I D E N T I A L SECTION 01 OF 03 OTTAWA 02805

E.O. 11652: GDS
TAGS: PGOV, PFOR, CA
SUBJECT: TRUDEAU'S OPTIONS ON QUEBEC SEPARATISM AND ON
DEMANDS FOR DECENTRALIZATION

1. SUMMARY. TRUDEAU'S ADVISORS HAVE NOW COMPLETED PRE-PARATORY WORK ON VARIOUS INITIATIVES PRIME MINISTER MIGHT TAKE TO DEAL WITH QUEBEC SEPARATIST THREAT AND WITH DEMANDS ELSEWHERE FOR DEVOLUTION OF FEDERAL POWERS. THESE INITIATIVES OR OPTIONS ARE: A) A UNILATERAL TRANSFER OF POWER TO THE PROVINCES; B) A JOINT PARLIAMENTARY COMMITTEE; C) A CONSTITUENT ASSEMBLY (ELECTED OR APPOINTED; D) A GROUP OF "WISE MEN"; AND E) A MEETING WITH PROVINCIAL PREMIERS. TRUDEAU COULD STICK TO STATUS QUO POLICY ON FEDERAL-PROVINCIAL RELATIONS, BUT WEIGHT OF PUBLIC OPINION, ESPECIALLY IN QUEBEC, IS SO HEAVILY IN FAVOR OF TRANSFER OF POWER TO PROVINCIAL AND LOCAL GOVERNMENTS THAT HE IS LIKELY TO CHOOSE EVENTUALLY ONE OR MORE OF THESE OPTIONS. ONE VIEW IS THAT HE SHOULD MOVE NOW, BUT CASE CAN ALSO BE MADE FOR HIS WAITING UNTIL AFTER NEXT ELECTIONS, PROBABLY IN MID-1978. TRUDEAU IS NOW PERSONIFICATION OF FEDERALIST CAUSE AGAINST QUEBEC PREMIER LEVESQUE, AND THIS IMAGE IS HELPING HIM IN POPU-
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LARITY POLLS. THUS, HE MAY PREFER NOT TO RISK HAVING A PUBLIC BODY UPSTAGE HIM AT THIS TIME. END SUMMARY.

2. PARTI QUEBECOIS (PQ) VICTORY LAST NOVEMBER 15 CLEARLY CAUGHT PM TRUDEAU OFF GUARD, AND SINCE THEN HE HAS BEEN GROPING TO DEVELOP OVERALL STRATEGY FOR BLUNTING SEPARATIST DRIVE AND FOR PRESERVING UNITY OF COUNTRY. SO FAR,

HE HAS STRONGLY DEFENDED BILINGUALISM PROGRAM, CALLED ON CANADIANS TO LOVE ONE ANOTHER, AND ATTACKED ALLEGEDLY REGRESSIVE MOVES OF PQ GOVERNMENT E.G. LANGUAGE WHITE PAPER, BUT HE HAS YET TO LAUNCH CONCERTED FEDERAL COUNTER-ATTACK ON SEPARATISM. MEANWHILE, POLLS HAVE SHOWN CLEAR MAJORITY OF PEOPLE THROUGHOUT CANADA WANT A CHANGE IN FEDERAL SYSTEM WITH GREATER POWER IN PROVINCIAL AND LOCAL AUTHORITIES. RECENT LIBERAL PARTY POLICY CONFERENCE ALSO REVEALED A STRONG CONSENSUS FOR LESS CENTRALIZED GOVERNMENT. IN FACE OF THIS GROUNDSWELL OF OPINION, TRUDEAU'S ADVISORS HAVE BEEN WORKING ON VARIOUS OPTIONS HE MIGHT TAKE TO SEIZE INITIATIVE FROM PQ AND DEAL WITH DEMANDS ELSEWHERE FOR DEVOLUTION OF FEDERAL POWERS. WE UNDERSTAND PREPARATORY WORK HAS NOW BEEN COMPLETED, AND OPTIONS WILL SHORTLY BE PRESENTED TO TRUDEAU.

3. BROADLY SPEAKING, THERE ARE FIVE SUCH OPTIONS: A) A UNILATERAL TRANSFER OF POWER TO THE PROVINCES; B) A JOINT PARLIAMENTARY COMMITTEE; C) A CONSTITUENT ASSEMBLY (ELECTED OR APPOINTED); D) A GROUP OF "WISE MEN"; AND E) A MEETING WITH PROVINCIAL PREMIERS.

4. DISCUSSION OF THESE OPTIONS:

(A) UNILATERAL TRANSFER OF POWER TO PROVINCES -- THIS PROCEDURE WOULD INVOLVE TRUDEAU'S COMING FORWARD WITH SPECIFIC PROPOSALS ON A DEVOLUTION OF FEDERAL POWERS IN FAVOR OF THE PROVINCES. OF THE OPTIONS AVAILABLE TO HIM, IT WOULD BE FAR AND AWAY THE MOST AGGRESSIVE AND DRAMATIC, CONFIDENTIAL

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ASSUMING HIS PROPOSALS INVOLVED A SUBSTANTIAL SHIFT IN POWERS. IT COULD EFFECTIVELY TAKE THE PLAY AWAY FROM THE PQ AT LEAST TEMPORARILY AND POSSIBLY FOR A MORE EXTENDED PERIOD. NONETHELESS, THIS IS THE LEAST LIKELY COURSE OF ACTION FOR TRUDEAU TO TAKE. IF, THROUGH UNFORESEEN CIRCUMSTANCES, FEDERAL/PQ CONFRONTATION SUDDENLY REACHED CRISIS PROPORTIONS, LEAVING TIME ONLY FOR UNILATERAL TRANSFER OF POWER TO TRY TO SAVE CONFEDERATION, TRUDEAU COULD BE FORCED INTO ADOPTING THIS COURSE. OTHERWISE, IT IS MOST UNLIKELY HE WOULD VOLUNTARILY USE THIS PROCEDURE AS HE HAS ARGUED THROUGHOUT HIS ADULT LIFE THAT FEDERAL GOVERNMENT CANNOT BE FURTHER WEAKENED WITHOUT EMASCULATING CONFEDERATION.

(B) JOINT PARLIAMENTARY COMMITTEE -- UNDER THIS OPTION, TRUDEAU WOULD ESTABLISH A COMMITTEE WHICH WOULD BE BIPARTISAN AND WHICH WOULD BE COMPOSED OF BOTH SENATORS AND MPS, INCLUDING PRESUMABLY A FAIR SPRINKLING OF FRENCH-CANADIAN FEDERAL LEGISLATORS. IT WOULD CONDUCT HEARINGS

IN QUEBEC AND ELSEWHERE TO SOLICIT LOCAL VIEWS, AND IT
WOULD REPORT ITS CONCLUSION AND RECOMMENDATIONS TO OTTAWA
ON STATE OF FEDERAL/PROVINCIAL RELATIONS.

(C) CONSTITUENT ASSEMBLY -- BY DEFINITION, THIS BODY
WOULD CONSIST OF REPRESENTATIVES OF MAJOR SEGMENTS OF
CANADIAN SOCIETY, E.G. LABOR, BUSINESS AND FINANCE,
ACADEMIA, ETC. AS AN APPOINTED ASSEMBLY WOULD BE VULNER-
ABLE TO PQ CHARGES OF BEING A CREATURE OF FEDERAL GOVERN-

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MENT, IT IS MORE LIKELY REPRESENTATIVES WOULD BE ELECTED,
POSSIBLY FROM FEDERAL ELECTORAL DISTRICTS (RIDINGS).
ASSEMBLY MIGHT DRAW UP ITS OWN AGENDA OR, ALTERNATIVELY, BE
PRESENTED WITH AGENDA PREPARED BY FEDERAL GOVERNMENT.
QUEBEC REPRESENTATION WOULD BE KEY FACTOR TO CONVINCE
ELECTORATE THERE THAT ASSEMBLY WAS MORE THAN A FEDERAL
RUBBER STAMP.

(D) GROUP OF "WISE MEN" -- THIS BODY WOULD BE SIMILAR IN
MANY RESPECTS TO CONSTITUENT ASSEMBLY BUT, AS A PURELY
APPOINTED SMALL GROUP, IT WOULD BE EVEN MORE VULNERABLE
TO PQ ATTACK. AGAIN, PARTICIPATION OF DISTINGUISHED
FRENCH-CANADIANS WOULD BE IMPORTANT AS COUNTER TO PQ
CRITICISM. LIKE A JOINT PARLIAMENTARY COMMITTEE, THE
"WISE MEN" WOULD CONDUCT HEARINGS AROUND COUNTRY AND MAKE
RECOMMENDATIONS TO FEDERAL GOVERNMENT.

(E) FIRST MINISTERS' CONFERENCE -- IT IS LIKELY TRUDEAU
WOULD CONSULT PREMIERS INDIVIDUALLY BEFORE HE CONVENED A

PLENARY SESSION. AS LAST OCTOBER'S MEETING IN TORONTO PROVED, FIRST MINISTERS CAN AGREE ON WIDE VARIETY OF PROPOSALS, ALL DESIGNED TO SHIFT POWER FROM FEDERAL TO PROVINCIAL GOVERNMENTS. WITHOUT CAREFUL PREPARATION, TRUDEAU
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COULD BE FACED WITH GANGING-UP BY PROVINCIAL PREMIERS AND FEDERAL GOVERNMENT BEING PLACED IN EMBARRASSING POSITION OF STONEWALLING SOME RECOMMENDATIONS. ANOTHER PROBLEM WITH THIS OPTION IS THAT LEVESQUE WOULD PROBABLY NOT ATTEND A CONFERENCE TO DISCUSS WHAT HE WOULD CERTAINLY REGARD AS HALF-A-LOAF MEASURES STOPPING SHORT OF HIS INDEPENDENCE GOAL. EVEN IN LEVESQUE'S ABSENCE, AN AGREEMENT BY THE OTHER PREMIERS AND TRUDEAU WOULD SERVE PURPOSE OF DEMONSTRATING TO NON-SEPARATIST QUEBECKERS THAT OTTAWA WAS WILLING TO MOVE TOWARDS GREATER AUTONOMY FOR THE PROVINCES.

5. THEORETICALLY, TRUDEAU COULD STICK TO MAINTENANCE OF STATUS QUO IN REALM OF FEDERAL-PROVINCIAL RELATIONS, BUT WEIGHT OF PUBLIC OPINION, ESPECIALLY IN QUEBEC, IS SO HEAVILY IN FAVOR OF TRANSFER OF POWER FROM FEDERAL TO PROVINCIAL AND LOCAL GOVERNMENTS THAT HE IS LIKELY TO CHOOSE EVENTUALLY ONE OF THESE OPTIONS DESCRIBED IN PARAGRAPH THREE. ONCE HAVING SET ONE IN MOTION, TRUDEAU WOULD CLEARLY BE EXPECTED TO RESPOND FAVORABLY TO ITS COLLECTIVE WISDOM BY ADOPTING MOST, IF NOT ALL, ITS RECOMMENDATIONS. ON SAFE ASSUMPTION HIS GOVERNMENT WOULD AGREE TO AT LEAST SOME TRANSFER OF POWER TO PROVINCES, THERE ARE ESSENTIALLY THREE PROCEDURAL METHODS BY WHICH SUCH A TRANSFER COULD BE ACCOMPLISHED. FIRST, CERTAIN CHANGES COULD BE IMPLEMENTED VIA BILATERAL ADMINISTRATIVE AGREEMENTS BETWEEN OTTAWA AND VARIOUS PROVINCES. SECOND, GOVERNOR GENERAL IN COUNCIL (REPRESENTING FEDERAL AUTHORITY) COULD INFORM LIEUTENANT GOVERNORS GENERAL IN COUNCIL (REPRESENTING VARIOUS PROVINCES) THAT POWER CHANGE WAS EFFECTIVE. FINALLY, FOR MORE FUNDAMENTAL POWERS COMING WITHIN THE SPECIFIC JURISDICTION OF BRITISH NORTH AMERICA ACT, AN AMENDMENT TO THAT ACT WOULD BE NECESSARY.

6. COMMENT: WHILE WE ARE CONFIDENT TRUDEAU WILL CHOOSE ONE OF ABOVE OPTIONS, IT IS DIFFICULT TO PREDICT WHEN HE
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WILL DECIDE TO MOVE. ONE KEY OFFICIAL, NICKOLAS GWYN, ASSISTANT SECRETARY TO THE CABINET FOR FEDERAL/PROVINCIAL

RELATIONS (STUDIES AND RESEARCH), INDICATED TO US THAT, IN HIS VIEW, BEST TIME WOULD BE NOW WITH RECOMMENDATIONS OF WHATEVER TRIBUNAL CHOSEN IN HAND BY NEXT WINTER - WELL BEFORE NEXT FEDERAL ELECTIONS EXPECTED AS EARLY AS SUMMER OF 1978. THIS, OF COURSE, WOULD BE NECESSARY IF A JOINT PARLIAMENTARY COMMITTEE WERE CHOSEN AS MP MEMBERS WOULD NEED TO COMPLETE THEIR EFFORTS WITH ADEQUATE TIME REMAINING FOR CAMPAIGNING.

7. GWYN'S COMMENT, HOWEVER, REFLECTS ONLY BUREAUCRATIC VIEW OF SITUATION AND DOES NOT CONSIDER POLITICAL NUANCES WHICH MAY AFFECT TIMING OF A TRUDEAU MOVE. AS NOTED ABOVE, WIDESPREAD PUBLIC FEELING THAT TRUDEAU SHOULD "DO SOMETHING" AND THAT SOME POWER SHOULD PASS TO PROVINCES SUGGEST POLITICAL ADVISABILITY OF A TRUDEAU MOVE SOONER RATHER THAN LATER. THERE IS ANOTHER PERSUASIVE REASON FOR A MOVE FAIRLY SOON. JOE CLARK, LEADER OF OPPOSITION PROGRESSIVE CONSERVATIVE (PC) PARTY, HAS ESPOUSED A POLICY OF "FLEXIBILITY" IN COUNTERING PQ SEPARATIST THREAT. HE HAS ALSO ENUMERATED BROAD AREAS IN WHICH MORE POWER MIGHT BE TRANSFERRED TO PROVINCIAL CONTROL. BY CHOOSING ANY ONE OF THE FIVE OPTIONS, TRUDEAU COULD EFFECTIVELY NEUTRALIZE THIS CLARK THEME SINCE EACH WOULD DEMONSTRATE FLEXIBILITY AND WOULD PRESUME AN EVENTUAL POWER TRANSFER. IF LAUNCHED AT THE PROPER TIME BEFORE THE NEXT NATIONAL ELECTIONS, A TRUDEAU INITIATIVE ALONG ANY ONE OF THESE FIVE LINES COULD EFFECTIVELY TAKE THE PLAY AWAY FROM CLARK ON THE UNITY ISSUE. IMPACT WOULD BE SIMILAR ON NEW DEMOCRATIC PARTY

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(NDP), WHICH IS SECOND LARGEST OPPOSITION PARTY AND WHICH ADHERES TO A UNITY LINE ROUGHLY SAME AS THAT OF PC.

8. INITIATION OF ANY OF THE OPTIONS WOULD PREEMPT OPPOSITION'S POSITION BUT IMPLEMENTATION OF SUBSEQUENT RECOMMENDATIONS WOULD BE ANOTHER MATTER. SHOULD TRUDEAU REFUSE TO FOLLOW MOST OR ALL OF RECOMMENDATIONS OF A PARLIAMENTARY COMMITTEE, A GROUP OF "WISE MEN", THE PROVINCIAL PREMIERS, OR A CONSTITUENT ASSEMBLY, OPPOSITION CRITICISM WOULD BE STRONG AND EFFECTIVE. SIMILARLY, IF, IN OPPOSITION VIEW, HE DID NOT GO FAR ENOUGH WITH A UNILATERAL POWER TRANSFER, HE WOULD COME UNDER STRONG CRITICISM. IT SEEMS, THEREFORE, THAT TRUDEAU WOULD INITIATE ACTION BEFORE A NATIONAL ELECTION BUT NOT SO FAR IN ADVANCE TO ALLOW PRE-ELECTION CRITICISM OF HIS FOLLOW-UP RESULTS.

9. A CASE CAN BE MADE, HOWEVER, FOR TRUDEAU'S WAITING. AT PRESENT, TRUDEAU IS THE PERSONIFICATION OF FEDERALIST CAUSE, AND THIS IMAGE HAS PAID DIVIDENDS IN RECENT POLLS. MUCH AS MANY MAY DISLIKE TRUDEAU AND HIS RECORD OVER PAST TWO YEARS, THERE IS WIDESPREAD FEELING THAT ONLY HE CAN PROVIDE NECESSARY LEADERSHIP TO KEEP THIS COUNTRY TOGETHER. A GROUP OF "WISE MEN" OR ANOTHER PUBLIC BODY COULD UP-
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STAGE TRUDEAU. THEREFORE, HE MAY DECIDE TO MAINTAIN HIGHLY PERSONALIZED NATURE OF THE SITUATION UNTIL NEXT ELECTIONS AND THEN MAKE HIS MOVE WITH A FRESH MANDATE.
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